

AMENDED IN ASSEMBLY MARCH 28, 2008
AMENDED IN ASSEMBLY FEBRUARY 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1882

Introduced by Assembly Members Garrick and Huff
(Coauthors: Assembly Members Anderson, Benoit, Berryhill, DeVore, Gaines, Horton, Maze, Sharon Runner, Silva, and Spitzer)
(Coauthors: Senators Cox, Harman, Runner, and Wyland)

February 7, 2008

An act to add Section 23615 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as amended, Garrick. Vehicles: DUI: illegal alien.

(1) Existing law requires an arresting agency to notify the appropriate federal agency if the arresting agency has reason to believe that a person arrested for the possession, transportation, sale, or giving away of specified controlled substances may not be a citizen of the United States.

This bill would, in addition, require an arresting agency to ~~notify the appropriate federal agency if the arresting agency has reason to believe that a report to the United States Immigration and Customs Enforcement of the presence of a person if the person is arrested for driving while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, is an illegal alien and caused property damage of over \$600 or bodily injuries to another as a result of driving while under the influence, and the person fails to provide the arresting authority with appropriate documentation demonstrating his or her legal presence in the United States.~~ Because an arresting agency includes a local agency, this bill would increase the

level of services provided by a local agency, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23615 is added to the Vehicle Code, to
2 read:

3 23615. ~~When there is reason to believe that a person arrested~~
4 ~~for a violation of Section 23152 or 23153 is present in the United~~
5 ~~States without authorization from the federal government, the~~
6 ~~arresting agency shall notify the appropriate agency of the United~~
7 ~~States having jurisdiction over removal matters.~~

8 *An arresting authority shall report to the United States*
9 *Immigration and Customs Enforcement the presence of an arrestee*
10 *when both of the following occur:*

11 *(a) The arrestee is arrested for either of the following:*

12 *(1) A violation of Section 23152 that caused property damage*
13 *of over six hundred dollars (\$600).*

14 *(2) A violation of Section 23153.*

15 *(b) The arrestee fails to provide the arresting authority with*
16 *appropriate documentation demonstrating his or her legal presence*
17 *in the United States.*

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

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